

DRAFT
**MINUTES OF THE CITY COUNCIL
OF THE CITY OF GREENSBORO, NC**

REGULAR MEETING

16 NOVEMBER 1999

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chambers of the Melvin Municipal Office Building with the following members present: Mayor Carolyn S. Allen, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Keith A. Holliday, Yvonne J. Johnson, Earl F. Jones, Robert V. Perkins, Donald R. Vaughan and Nancy Vaughan. Absent: None. Also present were J. Edward Kitchen, City Manager; Linda A. Miles, City Attorney; and Susan E. Crotts, Deputy City Clerk.

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The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The Manager recognized Darius Oliver, employee in the Parks & Recreation Department, who served as the courier for the meeting.

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The Mayor outlined the Council procedure for conduct of the meeting.

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Mayor Allen stated that this was the time and place set for a public hearing to consider an ordinance annexing 27.044 acres of territory contiguous to the corporate limits located on the north side of East Vandalia Road, west of Riverdale Road. She thereupon introduced so that these matters, continued from 21 September 1999, could be considered together; an ordinance establishing original zoning classification from County Zoning RS-30 Residential Single Family to City Zoning RS-9 Residential Single Family for property located on the north side of East Vandalia Road west of Riverdale Road and south of East Montcastle Drive.

Bill Ruska, Zoning Administrator for the Planning Department, presented a map and slides of the property and surrounding area; stated the Planning Board and Zoning Commission had voted in favor of the annexation and establishing the RS-9 zoning; and that the property met the policy criteria for water connection after the completion of the Reidsville water line.

The Mayor asked if anyone wished to speak to these matters.

Charlie Melvin, Attorney with offices located at 300 North Greene Street, stated he represented Sandra Anderson, the developer of the property; and requested Council to support the proposed annexation and zoning. He stated that the proposed annexation was contiguous to property already zoned RS-9; spoke to lot size options for various zonings; his opinion of the quality of other developments built by the developer and their impact on the community; and for illustrative purposes, highlighted plans for green space in the proposed development.

Sandra Anderson, with business offices located at 405 Banner Avenue, stated she had met with the Woodlea Lake Homeowners Association and Evans Engineering to answer questions about the site plan. She

requested Council to vote in favor of the zoning request.

Anthony Lester, site planner with business offices located at 4609 Dundas Drive, reviewed information provided to the Woodlea Lake Residents Association in response to their concerns expressed during their recent meeting. He outlined provisions planned to protect the lake from anticipated changes in storm water runoff and spoke to the developer's preliminary involvement with the US Corps of Army Engineers and the Greensboro Department of Transportation.

Raymond Brown, residing at #2 Lakepoint Court and representing the Woodlea Lake Homeowners Association, spoke in opposition to the zoning request with respect to the number of town homes downstream from the lake dam and the Homeowners Association's concerns for their safety and preservation of the lake. Mr. Brown outlined details of the meeting with the community residents, the developer and her representatives.

Council discussed with staff and Mr. Brown, information related to potential storm water runoff and neighborhood traffic concerns.

The City Attorney reminded Council to consider the general purpose of the zoning request as the basis for their decision. She stated that because the ordinance Council passed in July 1999 required City Storm Water Services to review and approve the proposed site plan prior to permitting the property development; the lake and neighborhood would be protected from excess storm water.

Mr. Ruska provided the following staff recommendation:

The Planning Department recommends that this original zoning request be approved. Unlike RS-30, RS-9 is an urban lot size. As such, it is compatible with the zoning classification to the northwest of this tract along Woodlake Drive and Woodhill Lane.

Councilmember Carmany moved that the ordinance annexing 27.044 acres of territory contiguous to the corporate limits located on the north side of East Vandalia Road, west of Riverdale Road be adopted. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins and N. Vaughan. Noes: D. Vaughan.

99-184 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON THE NORTH SIDE OF EAST VANDALIA ROAD, WEST OF RIVERDALE ROAD – 27.044 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING AT A POINT ON THE SOUTHERN MARGIN OF EAST VANDALIA ROAD, (STATE ROAD 3303); THENCE CROSSING SAID EAST VANDALIA ROAD, N 05 DEG 52 MIN 08 SEC W, DISTANCE BEING 317.81 FEET TO AN IRON PIPE; THENCE N 05 DEG 52 MIN 07 SEC W, DISTANCE BEING 99.96 FEET TO AN IRON PIPE (SAID IRON PIPE BEING THE SOUTHWESTERN MOST CORNER OF WOODLEA LAKE AS RECORDED IN PLAT BOOK 48 PAGE 96); THENCE WITH THE SOUTHERN LINE OF WOODLEA LAKE N 88 DEG 59 MIN 16 E, DISTANCE BEING 476.73 FEET TO AN IRON PIPE; THENCE WITH THE EASTERN LINE OF WOODLEA LAKE N 02 DEG 48 MIN 35 SEC E, DISTANCE BEING 274.71 FEET TO AN IRON PIPE; THENCE N 02 DEG 34 MIN 44 SEC E, DISTANCE BEING 607.52 FEET TO AN IRON PIPE (SAID IRON PIPE BEING A SOUTHEASTERN CORNER TO BRACKENLAKE TOWNHOMES AS RECORDED IN PLAT BOOK 125 PAGE 51); THENCE WITH BRACKENLAKE TOWNHOMES N 02 DEG 39 MIN 03 SEC E, DISTANCE BEING 193.33 FEET TO AN IRON PIPE; THENCE S 87 DEG 37 MIN 20 SEC E, DISTANCE BEING 277.28 FEET TO AN IRON PIPE; THENCE WITH THE SOUTHERN LINE OF PLAT BOOK 31 PAGE 46, S 86 DEG 59 MIN 55 SEC E, DISTANCE BEING 139.96 FEET TO AN IRON PIPE; THENCE S 87 DEG 33 MIN 37 SEC E DISTANCE BEING 433.65 FEET TO AN IRON PIPE, THENCE S 89 DEG 09 MIN 45 SEC E, DISTANCE BEING 74.10 FEET TO A STONE (SAID STONE BEING THE NORTHEAST STONE CORNER AS RECORDED IN PLAT BOOK 10 PAGE 45); THENCE WITH THE WEST

LINE OF RUSS E. TAYLOR S 02 DEG 19 MIN 42 SEC W, DISTANCE BEING 130.74 FEET TO AN IRON PIPE; THENCE WITH THE SOUTH LINE OF RUSS E. TAYLOR S 87 DEG 17 MIN 49 SEC E, DISTANCE BEING 619.24 FEET TO AN IRON PIPE ON THE WEST SIDE OF RIVERDALE ROAD; THENCE WITH RIVERDALE ROAD S 14 DEG 49 MIN 32 SEC W, DISTANCE BEING 132.46 FEET TO AN IRON PIPE ON THE WEST MARGIN OF RIVERDALE ROAD, THENCE WITH A NORTH LINE TO W. E. KAPPUS N 87 DEG 35 MIN 43 SEC W DISTANCE BEING 446.48 FEET TO AN IRON PIPE; THENCE WITH THE NORTH LINE OF HAZEL R. MONNETT HEIRS N 87 DEG 32 MIN 50 SEC W, DISTANCE BEING 144.86 FEET TO AN IRON PIPE; THENCE WITH THE WEST LINE OF HAZEL R. MONNETT HEIRS AND THE EAST LINE OF THE M. D. TAYLOR FARM AS RECORDED IN PLAT BOOK 10 PAGE 45, S 03 DEG 00 MIN 13 SEC W, DISTANCE BEING 398.93 FEET TO AN IRON PIPE; THENCE S 03 DEG 05 MIN 25 SEC W, DISTANCE BEING 98.90 FEET TO AN IRON PIPE (SAID IRON PIPE BEING A NORTHEAST CORNER TO VANDALIA ELEMENTARY SCHOOL AS RECORDED IN PLAT BOOK 131 PAGE 140); THENCE WITH THE NORTHERN LINE OF VANDALIA ELEMENTARY N 87 DEG 32 MIN 54 SEC W, DISTANCE BEING 639.89 FEET TO AN IRON PIPE; THENCE WITH THE WESTERN LINE OF VANDALIA ELEMENTARY S 02 DEG 24 MIN 59 SEC W, DISTANCE BEING 498.64 FEET TO AN IRON PIPE; THENCE S 02 DEG 10 MIN 18 SEC W, DISTANCE BEING 234.60 FEET TO A POINT ON THE SOUTH MARGIN OF EAST VANDALIA ROAD; THENCE ALONG THE SOUTHERN MARGIN OF EAST VANDALIA ROAD N 89 DEG 34 MIN 01 SEC W, DISTANCE BEING 700.93 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 27.044 ACRES.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after January 31, 2000, the liability for municipal taxes for the 1999-2000 fiscal year shall be prorated on the basis of 5/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2000. Municipal ad valorem taxes for the 2000-2001 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after January 31, 2000.

(Signed) Sandy Carmany

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Councilmember Carmany moved adoption of the ordinance establishing original zoning classification from County Zoning RS-30 Residential Single Family to City Zoning RS-9 Residential Single Family for property located on the north side of East Vandalia Road west of Riverdale Road and south of East Montcastle Drive. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins and N. Vaughan. Noes: D. Vaughan.

NORTH SIDE OF EAST VANDALIA ROAD WEST OF RIVERDALE ROAD AND SOUTH OF EAST MONTCASTLE DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-30 Residential Single Family to City Zoning RS-9 Residential Single Family uses for the area described as follows:

Beginning at the northeast corner of the Walter E. Kappus property as described in Deed Book 3121 at Page 539 at the Guilford County Register of Deeds Office, North Carolina, said corner being a point on the westerly right-of-way line of Riverdale Loop Road; thence departing said westerly right-of-way line along the northerly property line of said Kappus property and the northerly property line of Monnett Heirs as described in Deed Book 626 at Page 250 of said Guilford County Registry, N 83° 40' 05" W a distance of 587.95 feet to the northwest corner of said Monnett Heirs; thence S 07° 30' 20" W along the westerly property line of said Monnett Heirs a distance of 493.08 feet to the northeast corner of Deed Book 1751 at Page 273 of said Guilford County Registry; thence N 83° 29' 16" W along the northerly property line of said Deed Book 1751 at Page 273 a distance of 640.23 feet to the northwest corner of said Deed Book 1751 at Page 273; thence S 07° 30' 20" W along the westerly property line of said Deed Book 1751 at Page 273 a distance of 500.00 feet to the northwest corner of George E. Brown Jr. as described in Deed Book 4475 at Page 697 of said Guilford County Registry; thence S 07° 18' 11" W a distance of 174.45 feet to the point of intersection with the northerly right-of-way line of East Vandalia Road; thence crossing East Vandalia Road, S 07° 18' 11" W a distance of 60 feet to a point in the south right-of-way line of East Vandalia Road; thence along said southerly right-of-way line N 85° 22' 57" W a distance of 510.14 feet to a point on the southeast corner of the intersection of East Vandalia Road and Bethany Trace; thence crossing East Vandalia Road in a northerly direction for a distance of 60 feet to a point in the north right-of-way line of East Vandalia Road; thence with the north right-of-way line of east Vandalia Road N 85° 22' 57" W for a distance of approximately 180 feet to the southeast corner of Plat Book 62 at Page 59 of said Guilford County Registry; thence N 01° 33' 13" W along the easterly property line of said Plat Book 62 at Page 59 a distance of 259.55 feet to a point; thence continuing along said easterly property line N 01° 33' 13" W a distance of 100.00 feet to the southwest corner of Woodlea Lake Subdivision as shown in Plat Book 48 at Page 96 of said Guilford County Registry; thence along the southerly property line of said Woodlea Lake Subdivision S 86° 41' 43" E a distance of 477.72 feet to the southeast corner of said Woodlea Lake Subdivision; thence N 06° 52' 17" E along the easterly property line of said Woodlea Lake Subdivision and the easterly property line of Brackenlake Townhomes as shown in Plat Book 126 at Page 107 of said Guilford County Registry a distance of 1076.46 feet to a corner of said Brackenlake Townhomes; thence along the southeasterly property line of said Brackenlake Townhomes and the southerly property line of Thomas L. Thompson as described in Deed Book 3171 at Page 579 and the southerly property line of Hallie H. Anthony property as shown in Plat Book 31 at Page 46 of said Guilford County Registry, S 83° 26' 40" E a distance of 921.00 feet to the northwest corner of the Russ E. Taylor property as described in Deed Book 3930 at Page 1779 of said Guilford County Registry; thence along the westerly property line of said Taylor S 07° 30' 20" W a distance of 130.50 feet to the southwest corner of said Taylor; thence along the southerly property line of said Taylor S 83° 40' 05" E a distance of 621.24 feet to the point of intersection with said westerly right-of-way line of Riverdale Loop Road; thence S 21° 04' 01" W along said westerly right-of-way line a distance of 142.44 feet to the Point of Beginning, containing 25.888 acres of property, 0.701 acre of street right-of-way for a total of 26.587 acres.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Sandy Carmany

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Mayor Allen stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30, Zoning, Planning and Development to clarify and update Historic District provisions of Section 30-4-4.2. So these matters could be discussed together, she then introduced an ordinance amending Chapter 30, Zoning, Planning and Development amending the Permitted Use Schedule to add "Colleges or Universities" and "Elementary or Secondary Schools" as permitted uses in the Shopping Center District".

Mr. Ruska briefly explained that the two revisions were classified as clean up amendments. He stated the Multijurisdictional Ordinance Committee, Historic Preservation Commission and Planning Board had recommended the amendment.

The Mayor asked if anyone wished to be heard.

After brief discussion and no one wishing to be heard, Councilmember Jones moved adoption of the ordinance amending Chapter 30, Zoning, Planning and Development to clarify and update historic district provisions of Section 30-4-4.2. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, D. Vaughan, and N. Vaughan. Noes: Perkins.

99-186

AMENDING CHAPTER 30

AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

Section 1. That Section 30-4-4.2, Historic Districts, is hereby amended as shown below.

30-4-4.2 Historic Districts

- (A) *Designation Procedure:* Historic districts, as provided for in this Section, may be designated, amended, or repealed through the following procedure:
- (1) An investigation and report describing the significance of the buildings, structures, features, sites, or surroundings included in any such proposed district, and a description of the boundaries of such district shall be prepared by the Historic Preservation Commission and a recommendation thereon made to the Planning Board.
 - (2) The North Carolina Department of Cultural Resources, acting through the State Preservation Officer, or his designee, shall make an analysis of and recommendations concerning such report and the description of proposed boundaries. Failure of the Department of Cultural Resources to submit its written analysis and recommendation to the City within thirty (30) calendar days after a written request for such analysis has been received shall relieve the City of any responsibility for awaiting such analysis. The City may at any time thereafter take any necessary action to adopt or amend this Ordinance with regard to historic districts.
 - (3) The City Council may also refer the report and proposed boundaries to any local preservation commission or other interested body for its recommendations prior to taking action.
 - (4) Changes in the boundaries of such district subsequent to its initial establishment, or the creation of additional districts within the City, shall require the preparation of investigative studies by the Historic Preservation Commission; and they shall be referred to the Department of Cultural resources for its review and comment according to the procedures set forth in this Section.
 - (5) The Planning Board shall review the recommendations and forward its comments and recommendations to the Zoning Commission.
 - (6) The Zoning Commission shall process the historic district overlay as a zoning map amendment in the same manner set forth in Section 30-3-12 (Zoning Map Amendments).

- (B) *Dimensional Regulation and Exceptions:* Structures within a historic district shall comply with the regulations of the underlying zoning district, except as follows:
- (1) Structures erected in a historic district may use the prevailing setback of structures on the same side of the street in accordance with Section 30-4-7.2 (Prevailing Street Setback).
 - (2) All street setback (except as provided in subsection (1) above), interior setback, building coverage, and height requirements shall comply with applicable zoning regulations unless a special exception is approved by the Board of Adjustment. The special exception shall be granted only if it complies with the intent of the Historic District Guidelines and if first recommended by the Historic Preservation Commission.
 - (3) Where the Historic Preservation Commission, in considering an application for a Certificate of Appropriateness, shall find that the number of off-street parking spaces and/or design standards for parking lots specified by this Ordinance would render the site incompatible with the historic aspects of the district, it may recommend to the Board of Adjustment a special exception to the provisions of the off-street parking requirements and/or design standards. The Board of Adjustment may authorize as a special exception a reduced standard concerning off-street parking provided it finds:
 - (a) That the lesser standard will not create problems due to increased on-street parking; and
 - (b) That the lesser standard will not create a threat to the public safety.
 - (4) Unless otherwise authorized by a Certificate of Appropriateness, all off-street parking shall be located to the rear of the principal building; provided, however, that parking in existing driveways and approved designated parking areas is exempt from this requirement.
- (C) *Certain Changes Not Prohibited:* Nothing in this Section shall be construed to prevent the following;
- (1) The ordinary maintenance or repair of any exterior architectural feature in a historic district which does not involve a change in design, material, or outer appearance thereof.
 - (2) The construction, reconstruction, alteration, restoration, moving or demolition of any such feature if the building inspector or Enforcement Officer has certified in writing to the Historic Preservation Commission that such action is required to protect the public safety because of unsafe or dangerous conditions.
 - (3) The ordinary maintenance, repair, or replacement of streets, sidewalks, pavement markings, utility service lines and poles, street signs, traffic signs, street light fixtures, etc., and repair or replacement of such items in the event of equipment failure, accidental damage, or natural occurrences such as electrical storms, tornadoes, ice storms, and the like, as long as the work does not involve a change in design or materials.
- (D) *Certificate of Appropriateness Required:*
- (1) A Certificate of Appropriateness shall be required for all activities specified in this Section whether a building permit is required or not.

- (2) After the designation of a historic district, no exterior portion of any building or other structure (including but not limited to masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor aboveground utility structure, nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished within such district until after an application for a Certificate of Appropriateness as to exterior features has been submitted and approved by the Historic Preservation Commission.
- (3) For the purposes of this Section, “exterior features” shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material; the size and scale of the building; and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, “exterior features” shall be construed to mean the style, material, size, and location of all such signs. Such “exterior features” may include historic signs, color, and significant landscape, archaeological, and natural features of the area.
- (4) The Historic Preservation Commission may impose standards as may be set forth elsewhere in this Section or adopted by the Commission. Any building permit not issued in conformity with this Section shall be invalid.
- (5) The discontinuance of work or the lack of progress toward achieving compliance with the Certificate of Appropriateness for a period of one (1) year shall render the Certificate null and void and of no effect and application shall be made for a new Certificate. However, in the event the issuance of a Certificate is appealed, the one (1) year period shall not commence until a final decision is reached regarding the matter.
- (6) The Commission may, after adoption of architectural and historic guidelines, allow the review and approval of a minor work by the Director of the Department of Housing and Community Development or his designee provided, however, that no application for a Certificate of Appropriateness may be denied without formal action by the Historic Preservation Commission.
- (7) The City and all public utilities, except as provided under Section 30-4-4.2(C) (Certain Changes Not Prohibited), shall be required to obtain a Certificate of Appropriateness prior to initiating in a historic district any changes in the character of street paving, street width, utility installation or removals, lighting, street trees, walls, fences, sidewalks, or exterior of buildings or structures on property or streets in which they have a fee or other interest.

(E) *Application Procedures:*

- (1) Application for a Certificate of Appropriateness shall be made to the Department of Housing and Community Development on forms provided. The application shall be filed no later than fourteen (14) days prior to the next regularly scheduled meeting of the Historic Preservation Commission. Each application shall be accompanied by sketches, drawings, photographs, specifications, descriptions, and/or other information of sufficient detail to clearly show the proposed move, exterior alterations, additions, changes, new construction, or demolition.
- (2) Department of Housing and Community Development staff shall make a reasonable attempt to identify and notify the owners of surrounding property likely to be affected by the application for a Certificate of Appropriateness. The staff shall transmit the

application, together with the supporting information and material, to the Historic Preservation Commission for consideration. The Commission shall act upon the application within sixty (60) days after the filing thereof, otherwise failure to act upon the application shall be deemed to constitute approval and a Certificate of Appropriateness shall be issued. Nothing herein shall prohibit an extension of time where mutual agreement has been reached between the Commission and the applicant.

- (3) Prior to issuance or denial of a Certificate of Appropriateness, the Historic Preservation commission shall give the applicant and other property owners likely to be affected by the application an opportunity to be heard. In cases where the Commission deems necessary, it may hold a public hearing concerning the application and seek the advice of the North Carolina Department of Cultural Resources or other expert advice.
- (4) The Commission shall not refuse to issue a Certificate of Appropriateness except for the purpose of preventing the construction, reconstruction, alteration, restoration, or moving of buildings, structures, appurtenant features, or signs in the historic district which would be incompatible with the Historic District Guidelines.
- (5) An appeal may be taken to the Board of Adjustment from the Historic Preservation Commission's action in granting or denying any certificate. The appeal:
 - a) May be taken by any aggrieved party;
 - b) Shall be taken within fifteen (15) days after the decision of the Commission; and
 - c) Shall be in the nature of certiorari.
- (6) Any appeal from the Board of Adjustment's decision in any such case shall be heard by the Superior Court of the County.

(F) *Review Criteria:*

- (1) In granting a Certificate of Appropriateness, the Historic Preservation Commission shall take into account the historic or architectural significance of the property under consideration and the exterior form and appearance of any proposed additions or modifications to a structure.
- (2) The Commission shall not consider interior arrangement.
- (3) The provisions of this Section shall not become effective for a historic district until after the Commission has adopted detailed architectural and historic guidelines applicable to proposals within the historic district. These criteria shall take into account the historic, architectural, and visual elements of the district and shall be reviewed a minimum of every five (5) years. At a minimum, the criteria shall contain guidelines addressing the following factors:
 - (a) Historic Significance or Quality: The quality or significance in history, architecture, archeology, or culture present in districts, sites, structures, buildings, or objects that possess integrity of location, design, setting, materials, workmanship, and feeling and association:
 - (i) that are associated with events that have made a significant contribution to the broad patterns of local, state, or national history; or that are associated with the lives of persons significant in the past; or

- (ii) that embody the distinctive characteristics of a type, period, or method of construction; or
 - (iii) that represent the work of a master or that possess high artistic values; or
 - (iv) that represent a significant and distinguishable entity whose components may lack individual distinction; or that have yielded, or may be likely to yield, information important in prehistory or local, State, or national history; and
- b) Exterior Form and Appearance: In considering exterior form and appearance, the Commission may take into account, but is not limited to, the following elements to ensure that they are consistent with the historic or visual character or characteristics of the district:
 - i) Exterior features as described in Section 30-4-4.2(D) (Certificate of Appropriateness required);
 - ii) Height of the building or structure;
 - iii) Setback and placement on lot of the building or structure, including lot coverage and orientation;
 - iv) Exterior construction materials, including textures, patterns, and colors;
 - v) Architectural detailing, such as lintels, cornices, brick bond, foundation materials, and decorative wooden features;
 - vi) Roof shapes, forms, and materials;
 - vii) Proportions, shapes, positionings and locations, patterns, and sizes of any elements of fenestration;
 - viii) General form and proportions of buildings and structures;
 - ix) Appurtenant fixtures and other features such as lighting;
 - x) Structural condition and soundness;
 - xi) Use of local or regional architectural traditions; and
 - xii) Effect of trees and other landscape elements.
- (G). *Conditions:* In granting a Certificate of Appropriateness the Commission may prescribe such reasonable and appropriate conditions and safeguards as it may deem advisable so that the purpose of the Historic District Design Guidelines is served.
- (H) *Delay in Demolition of Landmarks and Buildings:*
 - (1) An application for a Certificate of Appropriateness authorizing the relocation, demolition, or destruction of a designated landmark or a building, structure, or site within the district may not be denied except as provided in this Section. However, the effective date of such a Certificate may be delayed for a period of up to three hundred sixty-five (365) days from the date of approval. The maximum period of delay authorized by this subsection shall be reduced by the Historic Preservation Commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period, the Commission shall negotiate with the owner and with any other parties in an effort to find a means of preserving the building or site. If the Commission finds that a building or site within a district has no special significance or value toward maintaining the character of the district, it shall waive all or part of such period and authorize earlier demolition or removal.
 - (2) If the Historic Preservation Commission has voted to recommend designation of a property as a landmark or designation of an area as a district, and final designation has not been made by the City Council, the demolition or destruction of any building, site, or structure located on the property of the proposed landmark or in the proposed district may be delayed by the Commission

for a period of up to one hundred eighty (180) days or until the City Council takes final action on the designation, whichever occurs first.

- (3) The City Council may enact an ordinance to prevent the demolition by neglect of any designated landmark or any building or structure within an established historic district. Such ordinance shall provide appropriate safeguards to protect property owners from undue economic hardship.
- (4) An application for a Certificate of Appropriateness authorizing the demolition or destruction of a building, site, or structure determined by the State Historic Preservation Officer as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied except where the Historic Preservation Commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

(Signed) Earl Jones

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Councilmember Jones moved adoption of the ordinance amending Chapter 30, Zoning, Planning and Development, amending the permitted use schedule to add colleges or universities and elementary or secondary schools as permitted uses in the shopping center district. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, D. Vaughan, and N. Vaughan. Noes: Perkins.

99-187

AMENDING CHAPTER 30

AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

Section 1. That Table 30-4-5-1, Permitted Use Schedule, is hereby amended by adding a "P" entry in the SC column for the use "Colleges or Universities" under the Educational and Institutional Uses subsection.

Section 2. That Table 30-4-5-1, Permitted Use Schedule, is hereby amended by adding a "P" entry in the SC column for the use "Elementary or Secondary Schools" under the Educational and Institutional Uses subsection.

Section 3. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

(Signed) Earl Jones

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Councilmember Holliday removed item 15 from the Consent Agenda.

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Mayor Allen introduced the following ordinance listed on the Consent Agenda as required by the Greensboro Code of Ordinances.

- Ordinance amending Chapter 13 of the Greensboro Code of Ordinances with respect to License, Taxation and Miscellaneous Business Regulations.

After the Mayor requested a motion to approve the ordinance, resolutions and motions on the Consent Agenda, Councilmember Jones moved adoption of the amended Consent Agenda. The motion was seconded by

Councilmember D.Vaughan; the Consent Agenda was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, D. Vaughan and N. Vaughan. Noes: None.

99-188

AMENDING CHAPTER 13

AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO
LICENSE, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Section 13-103 of the Greensboro Code of Ordinances is hereby amended to read as follows:

Sec. 13-103. Pawnbrokers.

Every person engaged in and conducting the business of lending or advancing money or other things of value for a profit, and taking as a pledge for such loan specific articles of personal property, to be forfeited if payment is not made within a definite time shall be deemed a pawnbroker, and shall pay an annual license tax of one hundred dollars (\$100.00).

Section 2. That all ordinances in conflict with the provision of this ordinance are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall be effective upon ratification.

(Signed) Earl Jones

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193-99 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN
PORTION OF THE PROPERTY OF RODGER W. DURHAM, IN CONNECTION WITH THE NEW
GARDEN ROAD WIDENING PROJECT

WHEREAS, Rodger W. Durham is the owner of certain property located on 1341 New Garden Road, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the New Garden Road Widening Project;

WHEREAS, negotiations with the owners at the appraised value of \$29,922.00 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owners in the amount of \$29,922.00;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$29,922.00 to the Clerk of Superior Court as compensation to the owners, payment to be made from Account No. 431-6002-46.6012, CRB 079.

(Signed) Earl Jones

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194-99 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN
PORTION OF THE PROPERTY OF JOHN E. JENSEN AND WIFE, MARTHA M. JENSEN, IN
CONNECTION WITH THE NEW GARDEN ROAD WIDENING PROJECT

WHEREAS, John E. Jensen and wife, Martha M. Jensen are the owners of certain property located on 1501
New Garden Road, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the New Garden Road
Widening Project;

WHEREAS, negotiations with the owners at the appraised value of \$3,113.00 have been unsuccessful and
said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized
to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to
issue a draft to the Clerk of Superior Court as compensation to the owners in the amount of \$3,113.00;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby
authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is
hereby authorized to issue a draft in the amount of \$3,113.00 to the Clerk of Superior Court as compensation to the
owners, payment to be made from Account No. 431-6002-46.6012, CBR 079.

(Signed) Earl Jones

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198-99 RESOLUTION GRANTING AN UNDERGROUND ENCROACHMENT FOR AN EASEMENT ON
STREET RIGHTS-OF-WAYS TO MOSES H. CONE MEMORIAL HOSPITAL AS FOLLOWS:
PARALLELING SALK PLACE A DISTANCE OF 284' AND CROSSING NORTH ELAM AVENUE A
DISTANCE OF 67' AT THE SAID INTERSECTION OF SALK PLACE, BEING A TOTAL OF 351
LINEAR FEET OF FIBER OPTIC CABLE TO SERVE MOSES H. CONE MEMORIAL HOSPITAL
SUBJECT TO AN ANNUAL ENCROACHMENT FEE FOR USE OF RIGHT-OF-WAY

WHEREAS, Moses H. Cone Memorial Hospital has requested an encroachment easement from the City for
the underground installment of 351 linear feet of private fiber optic cable in order to serve the company by providing
a communication link between the Wesley Long Community Hospital at 501 North Elam Avenue and the Sidney F.
LeBauer Medical Center at 520 North Elam Avenue;

WHEREAS, plans have been submitted to the City Utilities Coordinator for approval of the construction of
the communications line which would require boring under Salk Place as shown on the attached map;

WHEREAS, following installation of said cable, Moses H. Cone Memorial Hospital will provide the
necessary repair, if any, of the street in compliance with City standards;

WHEREAS, Moses H. Cone Memorial Hospital has agreed to pay a reasonable fee as a direct cost for such
encroachment easement in the amount of \$3.00 per linear foot per annum so long as the fiber optic cable remains;

WHEREAS, in the opinion of the City Council, such encroachment easement for the installation of communications cable will neither cause a public nuisance nor unreasonably interfere with the use of the streets and sidewalks by the public.

NOW THEREFORE, IT BE RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That pursuant to Section 4.128(c) of the Charter of the City of Greensboro, Moses H. Cone Memorial Hospital is hereby authorized to encroach in the above described street right-of-way for the installation of fiber optic cable in Salk Place as shown on the attached map, subject to an annual fee to be paid to the City in the amount of \$3.00 per linear foot of cable installed.

(Signed) Earl Jones

199-99 RESOLUTION CALLING A PUBLIC HEARING FOR DECEMBER 21, 1999 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED ON BOTH SIDES OF U.S. HIGHWAY 29, EAST OF BRYAN PARK, ALONG REEDY FORK CREEK – 1,612 ACRES

WHEREAS, the owner of all the hereinafter described property, which is contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 16th day of November, 1999, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON BOTH SIDES OF U.S. HIGHWAY 29, EAST OF BRYAN PARK, ALONG REEDY FORK CREEK – 1,612 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING AT A POINT (SAID POINT BEING IN THE WESTERN 50 FOOT RIGHT-OF-WAY FOR SUMMIT AVENUE, ALSO BEING THE EASTERN MOST CORNER FOR LOT 1 ALONG SAID RIGHT-OF-WAY AS RECORDED IN PLAT BOOK 102 PAGE 145); THENCE WITH THE EASTERN PROPERTY LINE OF SAID LOT, N 65 DEG 33 MIN 05 SEC W, DISTANCE BEING 309.86 FEET TO A POINT; THENCE S 42 DEG 18 MIN 27 SEC W, DISTANCE BEING 193.04 FEET; THENCE S 15 DEG 45 MIN 29 SEC W, DISTANCE BEING 66.17 FEET TO A POINT; THENCE S 57 DEG 17 MIN 24 SEC W, DISTANCE BEING 293.16 FEET TO A POINT; THENCE S 39 DEG 19 MIN 19 SEC W, DISTANCE BEING 93.25 FEET TO A POINT; THENCE S 68 DEG 46 MIN 54 SEC W, DISTANCE BEING 92.80 FEET TO THE NORTHERN MOST CONTROL CORNER AS SHOWN ON PLAT BOOK 64 PAGE 11; THENCE S 76 DEG 17 MIN 10 SEC W, DISTANCE BEING 94.11 FEET TO A POINT; THENCE S 63 DEG 53 MIN 10 SEC W, DISTANCE BEING 135.60 FEET TO A POINT; THENCE WITH THE NORTHERN LINE OF GREENTREE INCORPORATED AS RECORDED IN DEED BOOK 4096 PAGE 1, S 89 DEG 36 MIN 38 SEC W, DISTANCE BEING 54.32 FEET; THENCE S 71 DEG 30 MIN 59 SEC W, DISTANCE BEING 84.82 FEET; THENCE N 84 DEG 23 MIN 45 SEC W, DISTANCE BEING 107.43 FEET; THENCE N 40 DEG 37 MIN 17 SEC W, DISTANCE BEING 109.50 FEET; THENCE N 13 DEG 08 MIN 27 SEC W, DISTANCE BEING 177.54 FEET; THENCE N 33 DEG 41 MIN 52 SEC W, DISTANCE BEING 98.64 FEET; THENCE N 54 DEG 20 MIN 53 SEC W, DISTANCE BEING 255.70 FEET; THENCE N 35 DEG 49 MIN 55 SEC W, DISTANCE BEING 149.91 FEET; THENCE N 37 DEG 58 MIN 10 SEC E, DISTANCE BEING 59.94 FEET; THENCE N 48 DEG 44 MIN 52 SEC W, DISTANCE BEING 145.04 FEET; THENCE N 85 DEG 13 MIN 55 SEC W, DISTANCE BEING 180.40 FEET; THENCE N 29 DEG 25 MIN 42 SEC W, DISTANCE BEING 68.00 FEET; THENCE N 51 DEG 45 MIN 04 SEC W, DISTANCE BEING 51.73 FEET; THENCE N 73 DEG 53 MIN 46 SEC W, DISTANCE BEING 117.38 FEET; THENCE N 45 DEG 30 MIN 10 SEC W, DISTANCE BEING 75.35 FEET; THENCE N 18 DEG 23 MIN 04 SEC W, DISTANCE BEING 129.38 FEET;

THENCE N 25 DEG 22 MIN 20 SEC W, DISTANCE BEING 88.58 FEET; THENCE N 03 DEG 20 MIN 42 SEC E, DISTANCE BEING 103.58 FEET; THENCE N 33 DEG 59 MIN 58 SEC W, DISTANCE BEING 68.22 FEET TO A POINT IN THE NORTHERN MOST CORNER TO GREENTREE INCORPORATED; THENCE WITH AN EASTERN LINE OF PROCTER AND GAMBLE AS RECORDED IN DEED BOOK 3010 PAGE 943, N 30 DEG 12 MIN 23 SEC W, DISTANCE BEING 203.24 FEET TO A POINT; THENCE N 33 DEG 28 MIN 05 SEC W, DISTANCE BEING 136.66 FEET; THENCE N 02 DEG 09 MIN 13 SEC E, DISTANCE BEING 330.72 FEET; THENCE N 64 DEG 02 MIN 39 SEC W, DISTANCE BEING 265.57 FEET; THENCE S 85 DEG 49 MIN 55 SEC W, DISTANCE BEING 203.92 FEET; THENCE N 85 DEG 11 MIN 48 SEC W, DISTANCE BEING 178.30 FEET; THENCE N 22 DEG 39 MIN 25 SEC W, DISTANCE BEING 192.85 FEET; THENCE N 05 DEG 57 MIN 48 SEC W, DISTANCE BEING 195.08 FEET; THENCE N 13 DEG 39 MIN 41 SEC E, DISTANCE BEING 169.89 FEET; THENCE N 54 DEG 06 MIN 10 SEC E, DISTANCE BEING 273.85 FEET; THENCE N 59 DEG 39 MIN 10 SEC E, DISTANCE BEING 148.36 FEET; THENCE N 54 DEG 15 MIN 44 SEC W, DISTANCE BEING 198.39 FEET; THENCE N 81 DEG 28 MIN 57 SEC W, DISTANCE BEING 157.50 FEET; THENCE N 05 DEG 31 MIN 16 SEC E, DISTANCE BEING 133.30 FEET; THENCE N 46 DEG 24 MIN 52 SEC W, DISTANCE BEING 214.56 FEET; THENCE N 46 DEG 13 MIN 49 SEC W, DISTANCE BEING 283.48 FEET; THENCE N 24 DEG 27 MIN 55 SEC W, DISTANCE BEING 177.24 FEET; THENCE N 41 DEG 52 MIN 17 SEC W, DISTANCE BEING 216.25 FEET; THENCE N 27 DEG 27 MIN 51 SEC W, DISTANCE BEING 236.76 FEET; THENCE N 36 DEG 01 MIN 20 SEC W, DISTANCE BEING 172.72 FEET; THENCE N 30 DEG 18 MIN 21 SEC W, DISTANCE BEING 122.34 FEET; THENCE N 04 DEG 55 MIN 50 SEC W, DISTANCE BEING 184.29 FEET; THENCE S 82 DEG 01 MIN 10 SEC W, DISTANCE BEING 142.62 FEET; THENCE N 18 DEG 54 MIN 50 SEC W, DISTANCE BEING 105.24 FEET; THENCE N 84 DEG 10 MIN 50 SEC W, DISTANCE BEING 174.72 FEET TO THE CENTERLINE OF NORFOLK SOUTHERN RAILROAD, SAID POINT ALSO BEING ON THE CITY LIMIT LINE; THENCE WITH THE CENTERLINE OF NORFOLK SOUTHERN RAILROAD AND THE CITY LIMIT LINE, N 04 DEG 59 MIN 03 SEC E, DISTANCE BEING 577.41 FEET TO THE SOUTHWESTERN CORNER OF DAVID H. GRIFFIN PROPERTY AS RECORDED IN DEED BOOK 4805 PAGE 822; THENCE DEPARTING FROM THE CITY LIMIT LINE AND RUNNING WITH DAVID H. GRIFFIN SOUTH LINE, S 59 DEG 09 MIN 49 SEC E, DISTANCE BEING 191.86 FEET; THENCE S 43 DEG 08 MIN 52 SEC E, DISTANCE BEING 185.18 FEET; THENCE S 50 DEG 38 MIN 05 SEC E, DISTANCE BEING 154.28 FEET; THENCE S 84 DEG 57 MIN 04 SEC E, DISTANCE BEING 126.94 FEET; THENCE S 33 DEG 54 MIN 07 SEC E, DISTANCE BEING 80.79 FEET; THENCE S 55 DEG 24 MIN 22 SEC E, DISTANCE BEING 1632.96 FEET; THENCE S 23 DEG 48 MIN 54 SEC E, DISTANCE BEING 237.05 FEET; THENCE N 65 DEG 33 MIN 01 SEC E, DISTANCE BEING 1160.07 FEET; THENCE N 11 DEG 09 MIN 20 SEC W, DISTANCE BEING 725.84 FEET TO A STONE CONTROL CORNER AS RECORDED IN PLAT BOOK 103 PAGE 83; THENCE WITH THE SOUTH LINE OF BROWN SUMMIT INDUSTRIAL PARK, S 89 DEG 08 MIN 46 SEC E, DISTANCE BEING 529.62 FEET; THENCE S 89 DEG 08 MIN 46 SEC E, DISTANCE BEING 2137.70 FEET TO A POINT ON THE EASTERN 60 FOOT RIGHT-OF-WAY FOR SUMMIT AVENUE AND BEING IN A NORTH LINE OF ALFRED L. COLTRANE AS RECORDED IN DEED BOOK 1442 PAGE 281; THENCE WITH A WESTERN LINE OF ALFRED L. COLTRANE AND THE EASTERN 60 FOOT RIGHT-OF-WAY FOR SUMMIT AVENUE, S 02 DEG 02 MIN 29 SEC E, DISTANCE BEING 101.85 FEET; THENCE WITH THE EASTERN MARGIN OF SUMMIT AVENUE, S 12 DEG 17 MIN 02 SEC E, DISTANCE BEING 775.88 FEET TO THE SOUTHWEST CORNER TO ROBERT L. GUFFEY AS RECORDED IN DEED BOOK 2736 PAGE 27; THENCE WITH ROBERT L. GUFFEY SOUTH LINE, S 86 DEG 45 MIN 42 SEC E, DISTANCE BEING 147.05 FEET; THENCE ALONG THE EAST LINE OF ROBERT L. GUFFEY, N 14 DEG 05 MIN 25 SEC E, DISTANCE BEING 203.64 FEET TO THE NORTH -EASTERN CORNER OF VIRGINIA T. POWELL AS RECORDED IN DEED BOOK 1388 PAGE 310; THENCE ALONG THE EAST LINE OF WYTELL I. SMITH AS RECORDED IN DEED BOOK 1159 PAGE 324, N 00 DEG 54 MIN 50 SEC W, DISTANCE BEING 271.00 FEET TO THE SOUTHEASTERN CORNER OF ALFRED L. COLTRANE; THENCE WITH THE EASTERN LINE OF ALFRED L. COLTRANE, N 08 DEG 52 MIN 01 SEC W, DISTANCE BEING 400.06 FEET TO A POINT IN THE SOUTH LINE OF ANNIE H. BURTON HEIRS AS RECORDED IN DEED BOOK 1122 PAGE 174; THENCE WITH THE SOUTH LINE OF ANNIE H. BURTON HEIRS, S 89 DEG 08 MIN 46 SEC E, DISTANCE BEING 545.75 FEET TO A POINT ON THE WESTERN 250 FOOT RIGHT-OF-WAY FOR U. S. HIGHWAY 29; THENCE CROSSING SAID 250 FOOT RIGHT-OF-WAY FOR U. S. HIGHWAY 29, S 89 DEG 08 MIN 46 SEC E, DISTANCE BEING 278.37 FEET TO A POINT ON THE EASTERN 250 FOOT RIGHT-OF-

WAY FOR U. S. HIGHWAY 29; THENCE WITH THE SOUTHERN LINE TO WILLIAM F. BURTON AS RECORDED IN DEED BOOK 1305 PAGE 451, S 89 DEG 08 MIN 46 SEC E, DISTANCE BEING 2569.73 FEET TO THE SOUTHEAST CORNER OF WILLIAM F. BURTON; THENCE WITH THE EAST LINE OF WILLIAM F. BURTON, N 00 DEG 54 MIN 50 SEC E, DISTANCE BEING 287.50 FEET; THENCE WITH A LINE TO HERBERT W. BURTON, N 03 DEG 24 MIN 50 SEC E, DISTANCE BEING 1355.83 FEET TO THE NORTHEASTERN CORNER OF WILLIAM G. RUDD AS RECORDED IN DEED BOOK 2843 PAGE 848; THENCE WITH THE LINE OF HERBERT W. KENNEDY AS RECORDED IN DEED BOOK 4224 PAGE 326, N 54 DEG 37 MIN 39 SEC E, DISTANCE BEING 1074.81 FEET TO THE EASTERN MOST CORNER OF HERBERT W. KENNEDY ALSO BEING THE WESTERN MOST CORNER TO JAMES D. SMITH; THENCE ALONG THE WESTERN LINE OF JAMES D. SMITH, S 17 DEG 15 MIN 26 SEC E, DISTANCE BEING 2059.91 FEET; THENCE WITH JAMES D. SMITH, S 64 DEG 56 MIN 44 SEC E, DISTANCE BEING 223.25 FEET TO A POINT; THENCE WITH JAMES D. SMITH, S 48 DEG 24 MIN 14 SEC E, DISTANCE BEING 469.20 FEET; THENCE N 44 DEG 35 MIN 30 SEC E, DISTANCE BEING 731.03 FEET; THENCE WITH JAMES D. SMITH, S 00 DEG 48 MIN 40 SEC W, DISTANCE BEING 783.30 FEET; THENCE WITH THE LINE OF JAMES D. SMITH AND PATRICIA S. BUSICK, S 04 DEG 52 MIN 28 SEC W, DISTANCE BEING 986.80 FEET TO THE SOUTHWEST CORNER OF PATRICIA S. BUSICK AS RECORDED IN DEED BOOK 3045 PAGE 710; THENCE ALONG THE SOUTHERN LINE OF PATRICIA S. BUSICK, S 85 DEG 35 MIN 27 SEC E, DISTANCE BEING 1179.94 FEET TO THE NORTHWESTERN CORNER OF DENNIS L. ROBERTSON AS RECORDED IN DEED BOOK 3340 PAGE 207; THENCE WITH DENNIS L. ROBERTSON, S 35 DEG 39 MIN 36 SEC E, DISTANCE BEING 735.84 FEET TO THE SOUTHERN MOST CORNER TO DENNIS L. ROBERTSON AS RECORDED IN DEED BOOK 2897 PAGE 669, ALSO BEING IN THE WESTERN 60 FOOT RIGHT-OF-WAY FOR McLEANSVILLE ROAD; THENCE WITH THE WESTERN 60 FOOT RIGHT-OF-WAY FOR McLEANSVILLE ROAD, S 08 DEG 41 MIN 41 SEC E, DISTANCE BEING 1004.45 FEET TO THE NORTHEAST CORNER OF TIMOTHY T. MERICKA AS RECORDED IN DEED BOOK 3984 PAGE 951; THENCE WITH THE NORTH LINE OF TIMOTHY T. MERICKA, S 81 DEG 30 MIN 40 SEC W, DISTANCE BEING 1049.92 FEET; THENCE S 33 DEG 43 MIN 25 SEC W, DISTANCE BEING 61.19 FEET TO THE CENTERLINE OF REEDY FORK CREEK ALSO BEING IN THE NORTH LINE OF SOUTH JEFFERSON, INC.; THENCE WITH THE CENTERLINE OF REEDY FORK CREEK AND THE NORTH LINE OF SOUTH JEFFERSON, INC. AS RECORDED IN DEED BOOK 1940 PAGE 686, N 75 DEG 04 MIN 01 SEC W, DISTANCE BEING 71.46 FEET; THENCE N 89 DEG 52 MIN 27 SEC W, DISTANCE BEING 351.45 FEET; THENCE S 79 DEG 25 MIN 00 SEC W, DISTANCE BEING 180.52 FEET; THENCE S 50 DEG 56 MIN 24 SEC W, DISTANCE BEING 75.87 FEET; THENCE S 29 DEG 59 MIN 12 SEC W, DISTANCE BEING 341.22 FEET; THENCE S 37 DEG 53 MIN 22 SEC W, DISTANCE BEING 449.42 FEET; THENCE S 67 DEG 26 MIN 12 SEC W, DISTANCE BEING 101.51 FEET; THENCE N 89 DEG 46 MIN 32 SEC W, DISTANCE BEING 469.20 FEET TO A POINT IN THE CENTERLINE OF REEDY FORK CREEK, ALSO SAID POINT BEING THE NORTHWEST CORNER OF SOUTH JEFFERSON, INC; THENCE WITH THE WESTERN LINE OF SOUTH JEFFERSON, INC. AND LEAVING THE CENTER OF REEDY FORK CREEK, S 05 DEG 01 MIN 08 SEC W, DISTANCE BEING 1449.18 FEET TO A POINT IN THE WEST LINE OF DAN HOLDER AS RECORDED IN DEED BOOK 2083 PAGE 504, ALSO BEING THE NORTHEAST CORNER TO LAWRENCE E. TURNER AS RECORDED IN DEED BOOK 4433 PAGE 1815; THENCE WITH THE NORTH LINE OF LAWRENCE E. TURNER, N 88 DEG 57 MIN 34 SEC W, DISTANCE BEING 436.87 FEET; THENCE S 03 DEG 06 MIN 25 SEC W, DISTANCE BEING 436.47 FEET; THENCE N 88 DEG 56 MIN 20 SEC W, DISTANCE BEING 1082.26 FEET TO THE NORTHWESTERN CORNER TO LAWRENCE E. TURNER ALSO BEING THE NORTHERN CORNER OF MARTIN MARIETTA MATERIALS, INC. AS RECORDED IN DEED BOOK 4166 PAGE 1160; THENCE WITH THE NORTHERN LINE OF MARTIN MARIETTA MATERIALS, INC., S 46 DEG 07 MIN 42 SEC W, DISTANCE BEING 2392.06 FEET; THENCE S 87 DEG 26 MIN 10 SEC W, DISTANCE BEING 1762.93 FEET; THENCE S 75 DEG 13 MIN 29 SEC W, DISTANCE BEING 2073.26 FEET TO A POINT ON THE WESTERN RIGHT-OF-WAY FOR ECKERSON ROAD, SAID POINT ALSO BEING IN AN EASTERN LINE OF WYSONG AND MILES CORPORATION AS RECORDED IN PLAT BOOK 115 PAGE 18; THENCE WITH THE WESTERN MARGIN OF ECKERSON ROAD AND THE EASTERN LINE OF WYSONG AND MILES CORPORATION, N 11 DEG 20 MIN 41 SEC E, DISTANCE BEING 1217.10 FEET; THENCE N 80 DEG 39 MIN 47 SEC W, DISTANCE BEING 27.97 FEET TO A POINT IN THE WESTERN 100 FOOT RIGHT-OF-WAY FOR ECKERSON ROAD; THENCE WITH THE SAID 100 FOOT RIGHT-OF-WAY

FOR ECKERSON ROAD, N 10 DEG 27 MIN 35 SEC E, DISTANCE BEING 910.65 FEET; THENCE N 50 DEG 21 MIN 32 SEC W, DISTANCE BEING 37.83 FEET TO A POINT, SAID POINT BEING THE NORTHERN MOST CORNER TO WYSONG AND MILES CORPORATION AS RECORDED IN PLAT BOOK 115 PAGE 18; THENCE WITH THE WESTERN LINE OF WYSONG AND MILES CORPORATION AND THE EASTERN RIGHT-OF-WAY FOR U. S. HIGHWAY 29, BEING A CURVE TO THE LEFT, A CHORD BEARING OF S 51 DEG 05 MIN 34 SEC W, CHORD DISTANCE BEING 925.37 FEET AND HAVING A RADIUS OF 954.93 FEET, TO A POINT IN THE EASTERN 250 FOOT RIGHT-OF-WAY FOR U. S. HIGHWAY 29; THENCE WITH THE EASTERN MARGIN OF SAID HIGHWAY, S 28 DEG 57 MIN 31 SEC W, DISTANCE BEING 1201.47 FEET; THENCE CROSSING SAID U. S. HIGHWAY 29, N 56 DEG 17 MIN 12 SEC W, DISTANCE BEING 274.46 FEET TO THE WESTERN 250 FOOT RIGHT-OF-WAY FOR U. S. HIGHWAY 29, SAID POINT ALSO BEING THE NORTHEASTERN CORNER FOR THE STATE OF NORTH CAROLINA (OR KNOWN AS THE SCHOOL FOR THE DEAF) AS RECORDED IN DEED BOOK 2662 PAGE 159; THENCE WITH THE NORTH LINE OF THE STATE OF NORTH CAROLINA AS RECORDED IN DEED BOOK 2662 PAGE 159, N 56 DEG 17 MIN 12 SEC W, DISTANCE BEING 1026.29 FEET TO A POINT IN THE SOUTH LINE OF R AND J PROPERTIES OF GREENSBORO AS RECORDED IN DEED BOOK 4244 PAGE 1593; THENCE WITH SAID R AND J PROPERTIES OF GREENSBORO, N 60 DEG 00 MIN 00 SEC E, DISTANCE BEING 68.00 FEET; THENCE N 08 DEG 53 MIN 41 SEC W, DISTANCE BEING 778.68 FEET TO THE NORTHERN RIGHT-OF-WAY FOR SUMMIT AVENUE; THENCE WITH THE NORTHERN MARGIN OF SUMMIT AVENUE, S 89 DEG 17 MIN 00 SEC E, DISTANCE BEING 77.63 FEET; THENCE WITH A CURVE TO THE LEFT, A CHORD BEARING OF N 81 DEG 51 MIN 30 SEC E, CHORD DISTANCE OF 283.10 FEET AND HAVING A RADIUS OF 919.20 FEET, TO THE SOUTHEASTERN CORNER OF PROCTER AND GAMBLE AS RECORDED IN DEED BOOK 3010 PAGE 943, SAID POINT ALSO BEING THE SOUTHWEST CORNER TO GREENTREE, INC.; THENCE WITH THE SOUTH LINE OF GREENTREE, INC. AND THE WESTERN MARGIN OF SUMMIT AVENUE, N 68 DEG 05 MIN 07 SEC E, DISTANCE BEING 90.93 FEET; THENCE N 65 DEG 13 MIN 08 SEC E, DISTANCE BEING 268.38 FEET; THENCE N 24 DEG 47 MIN 27 SEC W, DISTANCE BEING 20.00 FEET TO A POINT IN THE WESTERN 100 FOOT RIGHT-OF-WAY FOR SUMMIT AVENUE; THENCE ALONG THE WESTERN MARGIN OF SUMMIT AVENUE, N 65 DEG 13 MIN 09 SEC E, DISTANCE BEING 310.58 FEET; THENCE WITH A CURVE TO THE LEFT, A CHORD BEARING OF N 56 DEG 34 MIN 40 SEC E, CHORD DISTANCE BEING 514.19 FEET AND HAVING A RADIUS OF 1743.61 FEET; THENCE N 47 DEG 56 MIN 10 SEC E, DISTANCE BEING 709.41 FEET TO A POINT, SAID POINT BEING THE SOUTHERN MOST CORNER TO SUSAN McCANLESS AS RECORDED IN DEED BOOK 4771 PAGE 1639; THENCE N 48 DEG 15 MIN 52 SEC E, DISTANCE BEING 59.96 FEET; THENCE WITH THE WESTERN MARGIN OF SUMMIT AVENUE, N 47 DEG 56 MIN 10 SEC E, DISTANCE BEING 425.26 FEET; THENCE N 50 DEG 23 MIN 07 SEC E, DISTANCE BEING 101.36 FEET; THENCE N 44 DEG 54 MIN 15 SEC E, DISTANCE BEING 98.22 FEET, THENCE N 41 DEG 38 MIN 44 SEC E, DISTANCE BEING 97.37 FEET; THENCE N 37 DEG 17 MIN 04 SEC E, DISTANCE BEING 97.15 FEET; THENCE N 33 DEG 25 MIN 03 SEC E, DISTANCE BEING 97.47 FEET; THENCE N 29 DEG 56 MIN 56 SEC E, DISTANCE BEING 98.14 FEET; THENCE N 28 DEG 00 MIN 30 SEC E, DISTANCE BEING 98.98 FEET; THENCE N 22 DEG 02 MIN 36 SEC E, DISTANCE BEING 77.90 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 1620.5 ACRES.

SAVE AND EXCEPT THAT 8.5 ACRE TRACT FRONTING THE WESTERN 250 FOOT RIGHT-OF-WAY FOR U. S. HIGHWAY 29 AND BEING 125 FEET NORTH OF REEDY FORK CREEK BEING SHOWN AS TAX MAP ACL-4-195-443-11 BEING THE PROPERTY OF WILLIAM A. MERICKA AND WIFE MARY J. MERICKA AS RECORDED IN DEED BOOK 2801 PAGE 885 DATED FEBRUARY 9, 1976 AND BEING THE SAME TRACT CONVEYED FROM REEDY FORK RANCH TO WILLIAM J. MERICKA RECORDED IN DEED BOOK 1467 PAGE 52 DATED NOVEMBER 24, 1952.

Section 2. The owner agrees to pay to the City of Greensboro acreage fees according to the following schedule:

PHASE SECTION	ACREAGE	PAYABLE	NOT LATER THAN
1	A LI parcel	321 30	Upon AnnexationN/A Upon AnnexationN/A

	Total Phase 1	351		
2	E	347	Upon Initiation	5 Years
	Total Phase 2	347		
3	B	639	Upon Initiation	10 Years
	C	120	Upon Initiation	10 Years
	D	62	Upon Initiation	10 Years
	Total Phase 3	821		

Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after February 29, 2000, the liability for municipal taxes for the 1999-2000 fiscal year shall be prorated on the basis of 4/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2000. Municipal ad valorem taxes for the 2000-2001 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after February 29, 2000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That December 21, 1999, at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than December 10, 1999.

(Signed) Earl Jones

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200-99 RESOLUTION CALLING A PUBLIC HEARING FOR DECEMBER 21, 1999 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED AT THE WESTERN END OF CHICKASHA DRIVE, EAST OF BRYAN PARK – 184.9 ACRES

WHEREAS, the owners of all the hereinafter described property, which is contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 16th day of November, 1999, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT THE WESTERN END OF CHICKASHA DRIVE, EAST OF BRYAN PARK – 184.9 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING AT A STONE CONTROL CORNER (SAID STONE CONTROL CORNER BEING THE SOUTHWEST STONE CONTROL CORNER RECORDED IN PLAT BOOK 103 PAGE 83 ALSO BEING A CORNER TO REEDY FORK RANCH AS RECORDED IN DEED BOOK 2369 PAGE 454 AND DESCRIBED IN DEED BOOK 298 PAGE 513); THENCE S 11 DEG 09 MIN 20 SEC E, DISTANCE BEING 725.84 FEET; THENCE S 65 DEG 33 MIN 01 SEC W, DISTANCE BEING 1160.07 FEET; THENCE N 23 DEG 48 MIN 54 SEC W, DISTANCE BEING 237.05 FEET; THENCE N 55 DEG 24 MIN 22 SEC W, DISTANCE BEING 1632.96 FEET; THENCE N 33 DEG 54 MIN 07 SEC W, DISTANCE BEING 80.79 FEET; THENCE N 84 DEG 57 MIN 04 SEC W, DISTANCE BEING 126.94 FEET; THENCE N 50 DEG 38 MIN 05 SEC W, DISTANCE BEING 154.28 FEET; THENCE N 43 DEG 08 MIN 52 SEC W, DISTANCE BEING 185.18 FEET; THENCE N 59 DEG 09 MIN 49 SEC W, DISTANCE BEING 191.86 FEET TO THE CENTERLINE OF NORFOLK SOUTHERN RAILROAD, SAID POINT ALSO BEING ON THE CITY LIMIT LINE; THENCE WITH THE CENTERLINE OF NORFOLK SOUTHERN RAILROAD AND THE CITY LIMIT LINE, N 06 DEG 05 MIN 20 SEC E, DISTANCE BEING 1731.05 FEET TO A POINT IN THE CENTERLINE OF NORFOLK SOUTHERN RAILROAD, SAID POINT ALSO BEING A SOUTHWESTERN CORNER OF ALLER C. FAUCETT AS RECORDED IN DEED BOOK 2646 PAGE 655; THENCE DEPARTING FROM THE CITY LIMIT LINE AND RUNNING WITH THE SOUTHERN LINE OF ALLER C. FAUCETT S 86 DEG 30 MIN 57 SEC E, DISTANCE BEING 3088.44 FEET TO A POINT BEING THE NORTHWEST CORNER OF LOT 6 AS RECORDED IN PLAT BOOK 103 PAGE 83; THENCE WITH THE WESTERN LINE OF LOT 6 S 02 DEG 02 MIN 24 SEC E, DISTANCE BEING 383.62 FEET; THENCE WITH A CURVE TO THE LEFT A CHORD BEARING OF S 27 DEG 47 MIN 07 SEC W, CHORD DISTANCE BEING 128.17 FEET, AND HAVING A RADIUS OF 70.00 FEET; THENCE WITH A CURVE TO THE RIGHT A CHORD BEARING OF S 07 DEG 54 MIN 03 SEC W, CHORD DISTANCE BEING 68.60 FEET, AND HAVING A RADIUS OF 100.00 FEET; THENCE WITH A CURVE TO THE LEFT A CHORD BEARING OF S 12 DEG 57 MIN 37 SEC W, CHORD DISTANCE BEING 313.17 FEET, AND HAVING A RADIUS OF 605.00 FEET; THENCE S 02 DEG 02 MIN 24 SEC E, DISTANCE BEING 310.00 FEET TO THE NORTHWEST MARGIN OF SHOSHONE COURT AND CHICKASHA DRIVE; THENCE WITH THE 60 FOOT RIGHT-OF-WAY FOR CHICKASHA DRIVE S 87 DEG 57 MIN 36 SEC W, DISTANCE BEING 30.00 FEET; THENCE WITH THE END OF CHICKASHA DRIVE S 02 DEG 02 MIN 24 SEC E, DISTANCE BEING 60.00 FEET TO A POINT ON THE SOUTHERN 60 FOOT RIGHT-OF-WAY FOR CHICKASHA DRIVE; THENCE N 87 DEG 57 MIN 36 SEC E, DISTANCE BEING 319.73 FEET TO SOUTHWEST MARGIN OF CHICKASHA DRIVE AND KIOWA DRIVE; THENCE WITH THE WESTERN MARGIN OF KIOWA DRIVE S 02 DEG 02 MIN 24 SEC E, DISTANCE BEING 673.80 FEET TO A POINT IN THE NORTH LINE OF REEDY FORK RANCH; THENCE WITH THE NORTH LINE OF REEDY FORK RANCH N 89 DEG 08 MIN 46 SEC W, DISTANCE BEING 529.62 FEET TO THE POINT AND PLACE OF BEGINNING, CONTAINING 184.9 ACRES, ACCORDING TO A MAP PREPARED BY EVANS ENGINEERING ENTITLED ANNEXATION MAP FOR D.H. GRIFFIN, SR. AND WIFE MARYLENE F. GRIFFIN, DATED OCTOBER 7, 1999.

Section 2. The owner agrees to pay to the City of Greensboro acreage fees according to the following schedule:

PHASE	SECTION	ACREAGE	PAYABLE	NOT LATER THAN
1	Griffin	185	Upon Initiation	5 Years

Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the

same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after February 29, 2000, the liability for municipal taxes for the 1999-2000 fiscal year shall be prorated on the basis of 4/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2000. Municipal ad valorem taxes for the 2000-2001 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after February 29, 2000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That December 21, 1999, at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than December 10, 1999.

(Signed) Earl Jones

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201-99 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING THE PURCHASE OF PROPERTY OF JOHN CHAVIS, JR. FOR LANDFILL BUFFER

WHEREAS, in connection with the landfill buffer project, the property owned by John Chavis, Jr. along Huffine Mill Road at Tax Map No. G-4-187E-464S-5 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$8,500.00, which appraisal, in the opinion of the City Council, is fair and reasonable;

WHEREAS, the owner has agreed to convey said property to the City at the appraised price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appraisal of the above mentioned portion of property in the amount of \$8,500.00 is hereby approved, and the purchase of the property in accordance with the appraisal is hereby authorized, payment to be made from account No. 553-6509-03.6011 CBR 006.

(Signed) Earl Jones

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202-99 RESOLUTION APPROVING BID OF TOWNSEND FAMILY, LLP FOR PROPERTY LOCATED AT 420 MCCULLOCH STREET, AND AUTHORIZING THE EXECUTION OF THE CONTRACT FOR SALE OF REAL ESTATE

WHEREAS, the Redevelopment Commission of Greensboro has advertised for the sale of Commission-owned historic houses;

WHEREAS, Townsend Family, LLP has submitted an offer of \$5,000.00 for 420 McCulloch Street with the estimated cost of rehabilitation being \$157,568.00;

WHEREAS, 420 McCulloch Street qualifies for a grant of \$46,793.00 and a deferred second mortgage not to exceed \$21,500.00;

WHEREAS, it is deemed in the best interest of the City to approve the bid and authorize sale of said property, subject to rehabilitation, restrictive covenants and preservation covenants.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid of Townsend Family, LLP, as set out and the sale of the property in accordance with the terms of the Contract of Sale of Real Estate with restrictive covenants this day presented to the City Council are hereby approved, and the Mayor is hereby authorized to execute said bid and purchase contract on behalf of the City of Greensboro.

(Signed) Earl Jones

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203-99 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 1999-22 WITH MONROE ROADWAYS, INC. FOR SOUTH BUFFALO OUTFALL REPLACEMENT, PHASE 2 PROJECT

WHEREAS, after due notice, bids have been received for sanitary sewer improvements for the South Buffalo Outfall Replacement, Phase 2 improvements project;

WHEREAS, Monroe Roadways, Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$1,645,340.00 as general contractor for Contract No. 1999-22, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Monroe Roadways, Inc. is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 509-7057.01.

(Signed) Earl Jones

(A tabulation of bids for the South Buffalo Outfall Replacement Project is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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Motion to approve abstract of votes for the Greensboro Municipal Primary and General Election was unanimously adopted. (A copy of the abstract is filed in Exhibit Drawer M, Exhibit #25 and is hereby referred to and made a part of these minutes.)

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Motion to approve budget adjustments for the period of October 1, 1999 to October 31, 1999 was unanimously adopted. (A copy of the report is filed in Exhibit Drawer M, Exhibit #1 and is hereby referred to and made a part of these minutes.)

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Motion to approve minutes of regular meetings of 3 November 1999 was unanimously adopted.

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Mayor Allen introduced an ordinance a resolution authorizing change order in contract no. 98-001085 with the North Carolina Department of Transportation for the Stanley Road Widening Improvements.

In response to Councilmember Holliday's request for clarification regarding the City's payment of the full balance of the contract amendment, Mr. Atkins briefly explained the increase in cost to only the City for the change order was due to using the full amount of available State funds which had been met in the initial agreement. Councilmember Carmany moved the resolution. The motion was seconded by Councilmember D. Vaughan; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, D. Vaughan, and N. Vaughan. Noes: None.

204-99 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 98-001085 WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE STANLEY ROAD WIDENING IMPROVEMENTS

WHEREAS, Contract No. 98-001085 with the North Carolina Department of Transportation provides for Stanley Road Widening Improvements;

WHEREAS, the initial Agreement provided that the City should reimburse NCDOT for actual construction costs over and above NCDOT's contribution of \$150,00.00;

WHEREAS, NCDOT has since awarded the project to Thompson Arthur Paving Co. in the amount of \$397,677.75, thereby necessitating a change order in the contract in the amount of \$97,677.75.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with NCDOT for the Stanley Road Widening Improvements is hereby authorized at a total cost of \$97,677.75, payment of said additional amount to be made from Account No. 402-4531-01.6019.

Signed (Sandy Carmany)

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Mayor Allen introduced an Ordinance amending Chapter 29 of the Greensboro Code of Ordinances with respect to Water, Sewers and Solid Waste Disposal to adjust water and sewer rates.

The City Manager provided Council with information they had requested at the 9 November 1999 Briefing regarding Greensboro and other cities in North Carolina residential rates comparison; briefly explained the effect of changes in conservation rate, eliminating minimum and instituting billing and availability charge; and stated the rates would take effect January 1, 2000 if adopted.

Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, D. Vaughan, and N. Vaughan. Noes: None.

AN ORDINANCE AMENDING CHAPTER 29 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO USER RATES AND CHARGES FOR WATER, SEWERS AND WASTE DISPOSAL

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Section 29-46 is hereby amended by rewriting as follows:

Section 29-46. Generally

Rates for water and sewer service shall apply only to the quantities shown in the corresponding brackets, and the cost of any quantity shall be the cumulative total of all portions of that quantity. Rates for sewer service inside the city shall be a uniform charge of one dollar and thirty five cents (\$1.35) per one hundred (100) cubic feet of waste water discharge plus a billing and availability charge as shown below:

Size of meter	Billing and Availability Charge
5/8"	\$2.30
3/4"	3.45
1"	5.75
1-1/4"	7.48
1-1/2"	11.50
2"	18.40
3"	36.80
4"	57.50
6"	115.00
8"	184.00

The Billing and Availability charge shall be charged with each billing, whether monthly or quarterly billing.

Rates for sewer service outside the city shall be a uniform charge of two dollars and seventy cents (\$2.70) per one hundred (100) cubic feet of waste water discharge plus a billing and availability charge each month as shown below:

Size of meter	Billing and Availability Charge
5/8"	\$4.60
3/4"	6.90
1"	11.50
1-1/4"	14.96
1-1/2"	23.00
2"	36.80
3"	73.60
4"	115.00
6"	230.00
8"	368.00

No discounts shall be allowed from the rates fixed on the above schedule. The annual sewer charge inside the city for unmetered accounts shall be \$164.70 or a pro rata portion for the months that the service was provided. The annual sewer charge outside the city for unmetered accounts shall be \$329.40 or a pro rata portion for the months that the service was provided. If a meter was cut off before the end of the billing period, the actual consumption plus the Billing and Availability charge for the appropriate meter size shall be charged. Filtered water shall be furnished the city at the rates provided in this article.

Section 2. That Section 29-47 is hereby amended by g:

Section 29-47. Quarterly rates inside the city; billing and availability charges.

Quarterly rates shall apply to meters normally reading less than fifty dollars (\$50.00) monthly that are inside accounts.

- (a) Residential Water Charges – Quarterly billed (inside) accounts with 5/8” and 3/4” meters that are billed as residential accounts shall be charged a billing and availability charge of two dollars and thirty cents (\$2.30) or three dollars and forty five cents (\$3.45) respectively, for each quarter. In addition, the account will be charged for water consumed as follows:

First 9 units	\$1.05 per unit
10 th through 30 th units	\$1.40 per unit
31 st through 60 th units	\$1.60 per unit
All units over 60	\$1.90 per unit

- (b) Non-Residential Water Charges -- All quarterly billed (inside) accounts not described in (a) above or (c) below shall be billed one dollar and forty cents per unit (\$1.40) per unit plus a billing and availability charge as follows:

Size of meter	Billing and Availability Charge
5/8”	\$2.30
3/4”	3.45
1”	5.75
1-1/4”	7.48
1-1/2”	11.50

- (c) Irrigation Use – All quarterly billed irrigation accounts (water metered separately for irrigation or other outside use only) shall be charged one dollar and ninety cents (\$1.90) per unit plus a billing and availability charge as follows:

Size of meter	Billing and Availability Charge
5/8”	\$ 2.30
3/4”	3.45
1”	5.75
1-1/4”	7.48
1-1/2”	11.50

Section 3. That Section 29-48 is amended by deleting the current Section and replacing it with the following:

Sec. 29-48 Monthly rates inside the city; billing and availability charges

- (a) Residential Water Charges -- Monthly billed (inside) accounts with 5/8” and 3/4” meters that are billed as residential accounts shall be charged a billing and availability charge of two dollars and thirty cents (\$2.30) or three dollars and forty five cents (\$3.45) respectively, for each month. In addition, the account will be charged for water consumed as follows:

First 3 units	\$1.05 per unit
4 th through 10 th units	\$1.40 per unit
11 th through 20 th units	\$1.60 per unit
All units over 20	\$1.90 per unit

- (b) Non-Residential Water Charges -- All monthly billed (inside) accounts not described in (a) above or (c) below shall be billed a billing and availability charge as follows:

Size of meter	Billing and Availability Charge
5/8"	\$2.30
3/4"	3.45
1"	5.75
1-1/4"	7.48
1-1/2"	11.50
2"	18.40
3"	36.80
4"	57.50
6"	115.00
8"	184.00

Consumption of water shall be billed at one dollar and forty cents (\$1.40) per unit for all units up to 7,500 units per month; all units over 7,500 units per month shall be billed at sixty nine cents (\$0.69) per unit.

- (c) Irrigation Use – All inside monthly billed irrigation accounts (water metered separately for irrigation or other outside use only) shall be charged one dollar and ninety cents (\$1.90) per unit plus a billing and availability charge as shown in (b) above.

Section 4. That the current subsections 29-48(c) is hereby designated as subsection (d).

Section 5. That the current subsection 29-48(d) is hereby designated as subsection (e).

Section 6. That the current subsection 29-48(e) is hereby designated as subsection (f).

Section 7. That Section 29-49 is amended by deleting the current Section and replacing it with the following:

Sec. 29-49 Monthly rates outside city; billing and availability charges.

All water meters outside the corporate limits of the city shall be read monthly and shall be billed at the following rates:

- (a) Residential Water Charges -- Outside accounts with 5/8" and 3/4" meters that are billed as residential accounts shall be charged a billing and availability charge of four dollars and sixty cents (\$4.60) or six dollars and ninety cents (\$6.90) respectively, for each month. In addition, the account will be charged for water consumed as follows:

First 3 units	\$2.10 per unit
4 th through 10 th units	\$2.80 per unit
11 th through 20 th units	\$3.20 per unit
All units over 20	\$3.80 per unit

- (b) Non-Residential Water Charges -- All outside accounts not described in (a) above or (c) below shall be charged a billing and availability charge as follows:

Size of meter	Billing and Availability Charge
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5/8"	\$4.60
3/4"	6.90
1"	11.50
1-1/4"	14.96
1-1/2"	23.00
2"	36.80
3"	73.60
4"	115.00
6"	230.00
8"	368.00

Consumption of water shall be billed at two dollars and eighty cents (\$2.80) per unit for all units up to 7,500 units per month; all units over 7,500 units per month shall be billed at one dollar and thirty eight cents (\$1.38) per unit.

(c) Irrigation Use – All outside irrigation accounts (water metered separately for irrigation or other outside use only) shall be charged three dollars and eighty cents (\$3.80) per unit plus a billing and availability charge as shown in (b) above.

Section 8. That Section 29-50. Churches and swimming pools is hereby deleted.

Section 9. That Section 29-54 of the Greensboro Code of Ordinances is hereby amended by rewriting subsection (20) as follows:

(20) Water deposits for residential tenants 75.00

Section 10. That Section 29-56 of the Greensboro Code of Ordinances is hereby amended by rewriting as follows:

Sec. 29-56. Penalty for late payment.

In addition to the water cut-off provisions contained in the Rules and Regulations For The Operation of The Water And Wastewater System Of The City of Greensboro, when any customer becomes delinquent in the payment of a bill for solid waste removal, storm water fee, hazardous waste fee, or other utility service there shall be a late payment fee as hereinafter set out. There shall be mailed to such customer a written notice to the effect that if the service bill due is not paid on or before the date named in the notice a late payment penalty of twenty dollars (\$20.00) will be charged to the customer. One (1) week after the twenty dollar (\$20.00) penalty is imposed an additional penalty of twenty dollars (\$20.00) will be imposed. Provided, that, if a customer's billing account does not include any water or sewer services, the late payment penalty shall be fifteen dollars (\$15.00).

If the customer pays a service bill with a check that is returned unpaid for any reason, a fee in the maximum amount allowable by N.C.G.S. section 25-3-512 shall be added to the account for processing the returned check. Any other delinquent fee that would have accrued due to the past due date of the bill shall also be paid.

Section 11. That Chapter 29 of the Greensboro Code of Ordinances is hereby amended by adding a new Section 29-58, Penalty for Tampering With Water Meters, to read as follows:

Sec. 29-58 Penalty for Tampering With Water Meters

Tampering with or relocating a water meter to an authorized address will result in a charge as hereinafter set out. There shall be a charge of one hundred fifty dollars (\$150.00) for the first offense, five hundred dollars (\$500.00) for the second offense and criminal penalties instituted thereafter.

Section 12. That this ordinance shall become effective on and after January 1, 2000.

Section 13. That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

(Signed) Sandy Carmany

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The City Manager stated an addendum had been distributed to the Council requesting their approval for a field system required by the Greensboro Prowlers to utilize the Coliseum facility. He explained that while the funds were already budgeted for the flooring material; the Arena Football League had assumed the bidding to insure compliance with their regulation requiring the same carpet for all facilities in the League. The Manager added that state statutes required Council approval of the vendor as the sole source.

After the Mayor introduced the resolution authorizing and approving the sole source acquisition for the required field system necessary for the Greensboro Prowlers to utilize the Coliseum Facility. Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, D. Vaughan, and N. Vaughan. Noes: None.

205-99 RESOLUTION AUTHORIZING AND APPROVING THE SOLE SOURCE ACQUISITION FOR THE REQUIRED FIELD SYSTEM NECESSARY FOR THE GREENSBORO PROWLERS TO UTILIZE THE COLISEUM FACILITY

WHEREAS, the City of Greensboro has entered into a long term lease with the Arena Football2, LLC, the Greensboro "Prowlers" to participate in the Arena Football League;

WHEREAS, on October 5, 1999, the League has notified the Prowlers that the field system needed for league play must be purchased through a particular manufacturer for the purposes of economic efficiency and standardization of league play;

WHEREAS, Sportex, Inc. and Rohnz, Inc. are the manufacturers of the system required by the League;

WHEREAS, the estimated cost for this field system is \$144,707.50;

WHEREAS, without the purchase of this system the Prowlers will be unable to play at the Greensboro Coliseum pursuant to the lease;

WHEREAS, it is in the best interest of the City that the required field system be purchased through the sole source provisions of N.C.G.S. §143-129(f) which allow the purchase of apparatus, supplies, materials, or equipment on a sole source basis when "standardization or compatibility is the overriding consideration."

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF COUNCIL OF THE CITY OF GREENSBORO:

That the sole source purchase for the field system by the Greensboro Prowlers for the Coliseum is hereby approved and the Manager and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from account No. 686-1001-02.6054.

(Signed) Sandy Carmany

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The Mayor introduced a resolution approving adjustment in the annual compensation of the City Manager. Following remarks of appreciation by Council, Councilmember Jones moved the adoption of the resolution. The motion was seconded by Councilmember Burroughs-White; the resolution was adopted on the following roll call vote: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, D. Vaughan, and N. Vaughan. Noes: None.

206-99 RESOLUTION APPROVING ADJUSTMENT IN ANNUAL COMPENSATION OF
THE CITY MANAGER

WHEREAS, pursuant to the memorandum of employment agreement, the City Council has reviewed the annual performance and compensation of the City Manager;

WHEREAS, following review, it is deemed appropriate to amend the annual compensation/benefits for the City Manager as hereinafter set out;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
GREENSBORO:

That Section 2 of the Memorandum of Employment Agreement is hereby amended as follows:

1. The annual compensation shall be \$139,988 representing a 5.8% increase.
All other provisions of Section 2 shall remain as presently provided.
2. This amendment shall become effective on 1 September 1999.

(Signed) Earl Jones

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Councilmember D. Vaughan added Owen Lewis to the boards and commissions data bank for future consideration of service on the ABC Board.

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Councilmember Burroughs-White added to the boards and commissions data bank for consideration of future service; Carl Brown for the Parks and Recreation Commission and Ed Cobbler to the general list.

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Councilmember Carmany moved that Alvin Tonkins be appointed to the Electrical Examiner's Board to fill the unexpired portion of term of Harold Gorham; this term will expire on 15 August 00. The motion was seconded by Councilmember D. Vaughan and unanimously adopted by voice vote of Council.

Councilmember Carmany moved that Craig Williams be appointed to the Electrical Examiner's Board; this term will expire on 15 August 02. The motion was seconded by Councilmember D. Vaughan and unanimously adopted by voice vote of Council.

Councilmember Carmany moved that Dyan Arkin be appointed to the Human Relations Commission; to fill unexpired portion of the term of Patrice M. Watson; this term will expire on 15 August 02. The motion was seconded by Councilmember Johnson and unanimously adopted by voice vote of Council.

Councilmember Carmany moved that Caroline H. Bratton be appointed to the Commission on the Status of Women; this term will expire on 15 August, 02. The motion was seconded by Councilmember Jones and unanimously adopted by voice vote of Council.

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Councilmember Vaughan added the name of Sue Mengert to the boards and commissions data bank for consideration of future service.

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Councilmember Johnson added the name of John Patterson to the boards and commissions data bank for consideration of future service.

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Councilmember N. Vaughan added the name of Wade Journey to the boards and commissions data bank for future consideration of service.

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Mayor Allen mentioned the City's recent celebration of Veterans Day at the Greensboro Historical Museum; the Historical Museum's 75th Anniversary and the recent groundbreaking ceremony for John R. Kernodle Middle School.

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The City Manager outlined the schedule and discussed agendas for the upcoming Council briefing and the December 7th regular and organizational meetings of Council. At his suggestion, Council agreed to meet on December 10th for a half day planning session.

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The Manager requested Council amend their motion to adjourn to Closed Session for the purpose of discussing acquisition of real estate to a motion to adjourn to Closed Session for the purpose of instructing the City Attorney regarding a legal claim.

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Councilmember Carmany moved that the Council adjourn to Closed Session for the purpose of instructing the City Attorney regarding a legal claim. The motion was seconded by Councilmember Perkins and unanimously adopted by voice vote of the Council.

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THE CITY COUNCIL ADJOURNED AT 7:40 P.M.

Carolyn S. Allen
Mayor

Susan E. Crotts
Deputy City Clerk
